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UNCLAS HARARE 001787

SIPDIS

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NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE

E.O. 12958: N/A
TAGS: [PGOV](#) [ZI](#) [MDC](#)
SUBJECT: MDC MP BENNETT JAILED

REF: A. HARARE 858
[B](#). HARARE 634

[1](#)1. On Thursday morning, October 28, police at Harare International Airport arrested Chimanimani MDC MP Roy Bennett on charges of obstruction of justice. According to Bulawayo MP and MDC Secretary for Legal Affairs David Coltart, Bennett was on his way to a business meeting in Johannesburg, South Africa and was scheduled to return to Harare the same day. The arrest follows the Parliamentary Privileges Committee recommendation on October 27 that Bennett be jailed for 15 months "with labor" after assaulting two Cabinet ministers in May. (See RefA). Bennett's lawyers launched an urgent application for his release, which is scheduled to be heard tomorrow. The police subsequently released Bennett into the custody of Parliament for today to enable him to present his arguments to Parliament, which is debating the report and will likely vote on the penalty. Under the Privileges, Immunities and Powers of Parliament Act, Parliament has the power either to fine or imprison for up to two years any member found guilty of contempt of Parliament.

[1](#)2. Coltart told poloff that Bennett had recently uncovered the location of his coffee crop and was traveling to South Africa to hand over important documents to his South African-based lawyers. Bennett planned to be back in Harare by that afternoon in time to argue against the Parliamentary Committee's recommendation of a jail sentence. Coltart said Bennett only had the coffee documents in his possession at the time of his arrest. Bennett was evicted from his farm in April 2004 (See RefB) and, according to Coltart, the Agriculture Rural Development Authority (ARDA), the government parastatal that assumed control of the farm, sold Bennett's coffee crop for \$200,000 to a German company. After learning of the jail recommendation, Bennett wanted to get the supporting documentation to his attorneys in South Africa before a likely jail sentence was imposed.

[1](#)3. Comment: It is not surprising that the Parliamentary committee recommended jail time for Bennett. As a white farmer elected on an MDC ticket in a purported ZANU-PF rural stronghold, Bennett has been a thorn in the ruling party's side for several years; a jail term would be a way for the party to be rid of him, at least until after the March Parliamentary elections. If Parliament supports the committee's recommendation and sentences Bennett to jail, an outcome for which Bennett's lawyers are preparing given the ruling party's near super-majority in Parliament, Bennett would still retain his seat. He ostensibly could still run in the next Parliamentary election, although some ruling party officials have asserted that the loss of his farm would deprive him of the residency necessary to run in his rural Chimanimani district. End Comment.

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